OPTIONAL FORM NO. 10
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UNITED STATES GOVERNMENT

Memorandum

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TO : Mr. Jenkins

DATE: 12/24/75

FROM : Mr. J. J. McDermott

SUBJECT: FREEDOM OF INFORMATION ACT (FOIA) REQUEST OF ERNEST S. LEISER OF CBS NEWS

BACKGROUND

By letter dated September 5, 1975, Ernest S. Leiser, a Senior Producer for CBS News, wrote the Director requesting under the FOIA access to some of the laboratory documents and material related to the assassination of Martin Luther King, Jr.

By letter dated October 7, 1975, the request was denied (b7A,B) because it involved evidentiary data and James Earl Ray currently had an appeal pending in the 6th Circuit Court of Appeals.

From this denial, CBS, through its attorney Allen Y. Shaklan appealed. United States Department of Justice, Civil Rights Division, interposed a memorandum of objection to the release of any of the requested data, stating such release might have a detrimental effect on the result of the pending appeal and possible re-trial. The Deputy Attorney General decided the documents must be released and so advised CBS by letter dated December 1, 1975. The requested documents were furnished to CBS by letter dated December 2, 1975.

By letter dated December 15, 1975, Leiser requested an explanation as to absence in the released material of information regarding photos, photomicrographs, and analyses of the test bullets comparisons with the death bullet. The Laboratory Division has responded to this request by addendum dated December 22, 1975, indicating the death bullet in this case was too distorted to be of value for microscopic purposes and, therefore, no photographs or photomicrographs were made of the test bullets.

1 - Mr. Moore
1 - Mr. Cochran

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TLW:meb

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Memo to Mr. Jenkins
RE: Ernest S. Leiser

On December 23, 1975, in response to a telephone inquiry Leiser was informed of the Laboratory response which will be confirmed in writing. Leiser is intending to present on January 2, 1975, on television as part of CBS's "American Assassins," special the Martin Luther King, Jr., murder. It is reasonable to assume that the material provided by the Bureau will be used on this TV presentation. In Mr. Leiser's letter of December 15, 1975, he indicated CBS has employed as a ballistics expert in this Martin Luther King, Jr., matter, Lowell Bradford, who felt that identification of the bullet as having-or having not- come from the evidence rifle-should be readily possible. Laboratory Division personnel question Bradford's "expertise" and point out he has appeared in the past in cases expressing opinions conflicting with Bureau findings.

RECOMMENDATION:

It is anticipated that Leiser's (Bradford's portion) program may be one sided and may not accurately portray the Bureau's procedures and the Laboratory Division may want to personally contact Leiser to explain in detail Laboratory procedures in connection with the examination of the Martin Luther King, Jr., death bullet and rebut, up front, any possible misinterpretations of the FBI Laboratory findings and procedures.

Leiser called 12/29/75; he will talk by phone 12/29 with AD Cochran